

## **Meeting Minutes**

### **Board of County Commissioners Hyde County**

**July 19, 2010**

Chairman Tom Davis called the Regular Meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, July 19, 2010 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Tom Davis, Sharon Spencer, Anson Byrd, and Ken Collier; County Attorney Sid Hassell; Interim County Manager/Clerk to the Board David Smitherman; Deputy Clerk to the Board Justin Gibbs; and members of the public. The following members were present on Ocracoke: Commissioner Darlene Styron; Deputy Clerk to the Board Jamie Tunnell; and members of the public.

Following the opening prayer given by Commissioner Sharon Spencer and the Pledge of Allegiance, the meeting was called to order.

#### **Consideration of the Agenda:**

Chairman Davis asked for any changes to the July 19, 2010 revised meeting agenda as presented by the Clerk.

Commissioner Collier moved to approve the revised agenda as presented. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

#### **Consideration of Minutes:**

Chairman Davis asked for the approval of minutes from the June 21, 2010 Budget Workshop and the Regular Meeting of the Hyde County Board of Commissioners.

Commissioner Styron made a motion to table a decision on the June 21, 2010 minutes due to some questions she had regarding the FY2010-2011 Hyde County Budget Ordinance. Chairman Davis asked the Interim County Manager David Smitherman if he could address the questions posed by Commissioner Styron.

Commissioner Styron stated that the minutes were unclear regarding the First Responder Program for the volunteer fire departments. Mr. Smitherman asked Commissioner Byrd if the motion that he made on June 21, 2010 at the Regular Meeting of the Hyde County Board of Commissioners, to adopt the FY2010-2011 Hyde County Budget Ordinance, intended for the volunteer fire departments' budgets to be restored to \$17,000 per

department from the contingency fund and if his motion allowed for the \$20,000 allotted for the First Responder Program to remain as budgeted. Commissioner Byrd replied that when he made the motion his intentions were for the \$20,000 allotted for the First Responder Program to remain as budgeted and for the fire departments' budgets to be restored from the contingency fund. Commissioner Styron stated that Commissioner Byrd's explanation of the motion addressed the issues that she had presented to Mr. Smitherman.

Commissioner Byrd made a motion to approve the June 21, 2010 Budget Workshop and Regular Meeting minutes as presented by the Clerk to the Board. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

**Public Hearings/Special Presentations/Public Comments:**

**Public Hearing – Golf Cart Ordinance Revisions**

Commissioner Spencer made a motion to opening the public hearing regarding the proposed revisions to the Golf Cart Ordinance. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

Chairman Davis asked the County Attorney Sid Hassell to present the amendments he made to the Golf Cart Ordinance. The County Attorney stated that the Golf Cart Ordinance was amended to reflect the following:

- 1.) Every golf cart operating on any public street, road or highway within Hyde County where the speed limit is 35 miles per hour or less, or upon property owned or leased by Hyde County, shall have the following equipment in working condition which shall be used as provided:
  - a. Two headlamps which shall be used in accordance with N.C.G.S 20-129(a) which shall comply with the specifications set forth in N.C.G.S. 20-131;
  - b. Two rear lamps which shall exhibit a red light plainly visible under normal atmospheric conditions from a distance of 500 feet, and shall be used in accordance with N.C.G.S. 20-129(a);
  - c. A seat permanently mounted upon the frame of said golf cart for each occupant of the golf cart.



- 2.) The operator of a golf cart who is transporting a child less than eight years of age and less than 80 pounds in weight shall have that child passenger secured in a weight appropriate child passenger restraint system in accordance with N.C.G.S. 20-137.1.
- 3.) The operator of a golf cart shall cause each passenger being transported to be seated in a seat meeting the requirements of subsection 1.c. hereof.
- 4.) Each owner of a golf cart is reminded that N.C.G.S. 153A-245 prohibits persons less than 16 years of age from operating a golf cart on a public street, road, or highway.

Commissioner Styron asked the County Attorney about Subsection 1.c., stating that she was confused by the language used in the subsection and wanted to know if the statement “permanently mounted to the frame of said golf cart” was referring to a seatbelt. The County Attorney explained that the term seat must be defined before entering a requirement for passengers being transported to be seated, because without defining the term seat it could be mistaken as a makeshift apparatus or temporary seating arrangement, such as a pillow set on the finder of the golf cart. The County Attorney further explained that Section 3 of the amended ordinance builds on Subsection 1.c., further requiring that all passengers of the golf cart must be seated.

Commissioner Collier asked the County Attorney about the seating requirements for under age passengers. The County Attorney replied that Section 2 of the amended ordinance required those passengers under the age of 8 and less than 80 pounds to be restrained in a weight appropriate child passenger restraint system.

Chairman Davis asked if there were any comments from the public regarding the amendments to the Golf Cart Ordinance. Members of the public made the following comments regarding the amendments:

Jim Borland, Ocracoke Resident:

Requiring golf carts to be street legal is a great idea and a lot safer; because the golf carts are being operated on Highway 12 on Ocracoke and they are commingling with buses, trucks, etc.

David Mason, Hyde County Sheriff:

The Sheriff asked if the amended ordinance required golf carts to be equipped with taillights. The County Attorney replied Subsection 1.b. of the amended ordinance required golf carts to be equipped with two rear lamps that emit a red light that is visible from a distance of 500 feet under normal atmospheric conditions.

Joe Babb, Ocracoke Property Owner:

Mr. Babb stated that he was distressed by the manner in which golf carts are operated on Ocracoke Island and that he applauded the County for heading in the direction that would require golf carts to be street legal. The only suggestion that Mr. Babb offered was to require all passengers to be restrained by a seatbelt.

Bill Brelig, Ocracoke Resident:

Mr. Brelig commented that when he traveled to Florida that he observed that the golf cart communities do not require the operators to be licensed, most of the drivers are older, and the golf carts are operated amongst larger vehicles. Mr. Brelig stated that he had not observed Ocracoke golf operators driving in a reckless manner. Mr. Brelig also stated that up-fitting a golf cart to make it street legal is a very costly process.

Van O'Neal, Ocracoke Resident:

Mr. O'Neal commented that children with training wheels on their bikes ride along the roads of Ocracoke and that he did not understand why people felt that operating a golf cart on the road, amongst traffic, was a greater risk than the aforementioned activity.

Commissioner Styron asked the members of the public if there were any more comments regarding the proposed amendments to the Golf Cart Ordinance. With no further comments offered, Chairman Davis asked for a motion from the Board to close the public hearing.

Commissioner Spencer made a motion to close the public hearing regarding the Golf Cart Ordinance revisions. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

### **Special Presentation – ABC Board Operations Update**

Charlotte Smith, ABC Store Manager, reported that sales at the Swan Quarter store were up 48 percent and sales at the Ocracoke Store were up 75 percent. Ms. Smith stated that the balance of the past due bills (90 days and older) had been reduced to \$13,000 and that the current monthly bills totaled \$25,184. Ms. Smith presented the Board with copies of Financial Reports, Inspection Reports, Profit and Loss Reports, and A/P Aging Summaries. She also stated that she felt the ABC Board had made a lot of progress within a period of one month and that she had just placed an order that is due to arrive on the July 27, 2010, with a product cost of approximately \$30,000. Ms. Smith reported that she had part-time employees at both the Swan Quarter and Ocracoke stores that will aid in transporting products between Swan Quarter and Ocracoke.

Commissioner Collier asked what kinds of costs were incurred during the delivery process. Ms. Smith stated that the only costs incurred were for gas and employees'



wages. Commissioner Collier asked if the employees drove around to Ocracoke or if they rode the ferry to Ocracoke. Ms. Smith replied that the employees ride the ferry to Ocracoke. Commissioner Collier referred to the Projected Cash Flow Report for the months of July 2010 and August 2010, Mr. Collier asked if the projected delivery expense amount of \$800.00 was for one delivery. Ms. Smith stated that the projected amount of \$800.00 was for one month of deliveries.

Commissioner Styron asked if Ocracoke only received deliveries once every two weeks. The ABC Store Manager reported that the Ocracoke Store received deliveries once or twice a week. Commissioner Styron asked when they started delivering once a week. Ms. Smith replied that the once a week deliveries had been going on for some time. Commissioner Styron inquired as to the amount of product being delivered to the Ocracoke Store, because she had visited the site and the shelves were bare. Ms. Smith stated that at the time that Commissioner Styron visited the store on Ocracoke, they had just received a delivery, from LB&B, that cost approximately \$21,000 and that is approximately the cost that the supplier capped the orders to. Commissioner Styron asked why the supplier capped the purchase amount. The ABC Store Manager replied that the supplier capped the amount because of the past due bills and will not allow the store to purchase product exceeding the cap amount until the past due bills are completely paid off. Ms. Smith reported that the supplier recently realized that Ocracoke had entered the peak season for products sales and was going to increase the cap amount to allow for additional purchases.

Commissioner Spencer asked if they had a projected date as to when the past due bills would be paid off. Ms. Smith replied that the past due bills would be paid by the end of the month.

Chairman Davis asked if the ABC Store Manager foresaw the stores being able to sustain a profit over a twelve month cycle. Ms. Smith replied that she believed they would be able to maintain a profit over a twelve month period.

Commissioner Spencer suggested that the ABC Store Manager and members of the ABC Board attended a business management seminar being offered by the Northwest Work Consortium, because the seminar would be extremely beneficial. Alice Keeney, Planning and Economic Development Coordinator, stated that if accepted to the seminar, the registration fee for the course would be \$25.

The County Attorney thanked Ms. Smith for the good report and stated that it was encouraging to hear how much the past due bills had been reduced.

**Special Presentation – North Carolina Forest Service’s Hyde County Cooperative Agreement for FY2010-2011**

The County Ranger Thomas Whitaker referred the Board to a letter regarding the adopted \$35,000 budget cut to the Hyde County Cooperative Agreement, prepared by the District

Forester Ed Christopher. In the letter, Mr. Christopher stated that the potential impacts from the adopted budget cut are as follows:

- No Forest Service information and education programs to local schools.
- No Forest Service involvement in parades and festivals.
- No Forest Service Volunteer Fire Department Trainings.
- Limited service to landowner forest management requests.
- Potential for reduced wildfire response (equipment upkeep in question).
- Potential to move heavy equipment from county (equipment upkeep in question).
- Potential lost temporary personnel jobs.

The District Forester further stated that without the cooperative agreement at an adequate level to fully fund the total forestry program, the services provided to Hyde County would have to stop in accordance with G.S. 113-54.

This would include:

- No wildfire control.
  - No burning permits written.
  - Law Enforcement will have to be handled by the Hyde County Sheriff's Department.
  - FEPP would have to be recalled.
- No forest management services.
  - No Cost Share.
  - No landowner assistance.
  - No insect and disease assistance.
- No educational programs.
  - Fire prevention
  - Forest Management

Mr. Whitaker reported that the District Forester and he had met with the Interim County Manager and that he did not want to lose programs in Hyde County, he wanted to gain them.

Chairman Davis said that the County was contracted by statute and made a motion to take \$35,000 from the contingency fund to restore the North Carolina Forest Service's Hyde County Cooperative Agreement Budget for FY2010-2011 to the previously requested amount submitted by the NC Forest Service. Commissioner Spencer seconded the motion. Commissioner Styron asked if \$35,000 was the amount that was originally cut from the budget. Chairman Davis stated that was his understanding.

Commissioner Spencer said that Hyde County is the District Headquarters for Washington County, Dare County, Hyde County, and Tyrell County; and that having the equipment stationed in Hyde County is extremely beneficial. Commissioner Spencer



further stated that many larger counties are contributing their percentages to the NC Forest Service Cooperative Agreements and that it would be in the best interest of the citizens to reinstate the \$35,000 to the NC Forest Service's Hyde County Cooperative Agreement Budget for FY2010-2011.

With no further discussion, Chairman Davis called for a vote on the motion submitted by him and seconded by Commissioner Spencer. The motion passed by the following vote:

Ayes – Commissioner Davis, Spencer, Byrd, Collier, and Styron

Nays – None

### **Public Comments**

Chairman Davis called for public comments, with no comments being offered on the mainland, the Chairman called for public comments from Ocracoke.

J.M. Eakes, Hyde County Animal Control Officer:

Mr. Eakes asked for the Board to reconsider cutting the services being offered by the Animal Control Program. Mr. Eakes stated that he had a guest speaker in attendance from the College of Veterinary Medicine; that was prepared to speak on behalf of the Hyde County Animal Control Program and the level of service being offered.

Dr. Kelly Farris, Veterinarian, College of Veterinary Medicine in Raleigh:

Dr. Farris stated she had been coming down to Hyde County with their local hospital, primarily to Fairfield, since 2000. Recently Dr. Farris was given the opportunity to travel to Ocracoke to help a local animal advocacy organization with the spaying and neutering of feral cats on Ocracoke Island. Dr. Farris stated that when the College of Veterinary Medicine began serving Hyde County, there was no animal control program in place and as soon as the staff arrived in Hyde County they were bombarded by numerous complaints regarding various animal related issues. Dr. Farris reported that at the time the College of Veterinary Medicine was not in a position to be able to offer much relief to the citizens of Hyde County; but more recently since Mr. Eakes has started an animal control program, they have not experience the same type of complaints and concerns. Dr. Farris stated that the reduction in concern regarding animal related issues, suggests that Mr. Eakes is meeting a lot of the needs in the area. Dr. Farris said that many counties are experiencing budgeting constraints, but many of the counties with stronger animal control programs are addressing animal crimes and this in turn drives the offenders into the neighboring counties with weaker animal control programs or no animal control. Dr. Farris further stated that animal crimes can be extraordinarily expensive to deal with, which can further enhance the budgeting woes being experienced by the surrounding counties. Dr. Farris offered her support for the animal control services currently being offered in Hyde County, because the College of Veterinary Medicine has definitely noticed a difference in Hyde County.

Ruth Fordon, Ocracoke Resident, Member of Ocracats:

Ms. Fordon stated that the Ocracats organization sent Mr. Smitherman a letter, that hopefully the Board of Commissioners had seen, which stated that the Ocracats organization had become more active this year and had been working hard to address the feral cat issue on Ocracoke Island. Ms. Fordon said that the organization was interested in becoming the first responder for cat related issues on the island and that they were available for discussion regarding assistance in handling the feral cat population on Ocracoke.

Nikki Baker, Ocracoke Business Owner:

Ms. Baker stated that she would be attending the scheduled spay and neuter clinic being hosted by the Hyde County Animal Control Program, because she currently had six cats in cages at her shop. She recommended that the Board to consider continuing the animal control services being offered by Mr. Eakes and stated that Mr. Eakes has done an incredible job.

Barbara Gibbs, Engelhard Resident:

Ms. Gibbs inquired as to why the County hired an Interim County Manager, who she thinks has done a fine job, to balance the budget if the Commissioners were going to undo everything that he had done. Commissioner Styron stated that she was confused by the question posed by Ms. Gibbs. Ms. Gibbs clarified by stating that the Board gave him the authority to take measures to balance the budget and the Commissioners were now considering funding for the animal control program, last time it was the fire departments, and she wondered what the Board would consider reinstating next.

### **Ordinances and Resolutions:**

#### **Golf Cart Ordinance Revisions**

Chairman Davis asked the County Attorney if there was anything further that he wished to present on this matter and the County Attorney replied that he had no further comments on the proposed golf cart ordinance revisions. Chairman Davis asked if there were any further question regarding the proposed amendments. With no further comments or questions, the Chairman asked for a motion to adopt the Golf Cart Ordinance.

Commissioner Collier made a motion to adopt the Ordinance Amending Ordinance No. 2009-09-01 Pertaining to the Use of Golf Carts in Hyde County, presented by the County Attorney. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None



*Clerk's Note: Please find a copy of the ordinance attached to the minutes in the minute book located in the Administrative Office located at the Hyde County Government Center.*

**Resolution of Support – Child and Family Support Team (CFST) Continuation of Funding for FY2010-2011 for Hyde County Schools**

The Health Director Wesley Smith stated that he was the incoming chairperson for the following committees: Hyde County Juvenile Crime Prevention Committee (JCPC), Child and Family Support Committee (CFSC), and School Health Advisory Committee (SHAC). Mr. Smith said that the resolution was drafted by a group of people that are concerned about losing funding for the Child and Family Support Team concept at Mattamuskeet Schools. Mr. Smith read the resolution for the benefit of the people in attendance.

*Clerk's Note: Please find a copy of the resolution attached to the minutes in the minute book located in the Administrative Office located at the Hyde County Government Center.*

The Health Director reported that the involved parties were not asking for funds, but support in moving forward and hopefully the CFST would receive continued funding. The Health Department employs the CFST Nurse as well as the School Health Nurse and her position is partially funded by the CFST Program.

Dr. Randolph Latimore, Hyde County Schools Superintendent, stated that the Hyde County School System had a strong relationship with the Hyde County Health Department and that it is heart warming to see an agency external to the actual schools come in to forge a partnership with the school system and ask for support not in a monetary fashion, but in the form of a resolution asking the Department of Public Instruction (DPI) to reconsider any thoughts of restricting or limiting the funding to the Child and Family Support Team.

Dr. Latimore reported that last year the school system received \$235,652 from DPI to fund the CFST Program; the state is considering a 2.5 million decrease to the CFST budget for FY2010-2011. The Superintendent further stated that DPI was looking at cutting programs in areas that would make the overall 2.5 million dollar cut work. Dr. Latimore asked the Board to think of the children of Hyde County, as they always have, and to lend their support to the CFST in the form of a resolution.

Commissioner Spencer asked if Ocracoke School had access to the CFST Program. Dr. Latimore confirmed that Ocracoke School was also involved in the CFST Program.

Commissioner Styron asked how long the CFST Program had been in operation. Dr. Latimore stated that the program started in 2006.

Commissioner Spencer made a motion to authorize the Chairman to execute the Resolution to Support Continuation of Funding for Child and Family Support Team (CFST) for Hyde County Schools, on behalf of the Hyde County Board of Commissioners. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

**Appointments:**

**Ocracoke Mosquito Control Board**

Chairman Davis asked if there were any nominees for the Ocracoke Mosquito Control Board. Commissioner Styron stated that she had spoken with some of the members of the board and that they were not prepared to move forward with appointing members to the Ocracoke Mosquito Control Board. Commissioner Styron asked that this item be tabled until the August 2, 2010 Regular Meeting of the Hyde County Board of Commissioners. The Board was in consensus to table the appointments to the Ocracoke Mosquito Control Board until the next meeting.

**Albemarle Commission (at-large seat)**

Chairman Davis asked if there were any nominees for the Albemarle Commission (at-large seat). Due to the lack of a nomination by the Board, they moved on to the next agenda item.

**Albemarle Resource Conservation and Development Council**

No motion was offered, so the Chairman proceeded with the agenda.

**2010 NCACC Annual Conference – Designation of Voting Delegate**

Chairman Davis asked which members of the Board would be attending the conference. Commissioner Spencer recommended that all the members that could attend should because they were offering ethics training, which is required for all members of the Board and Ms. Spencer stated that the registration for the conference was free this year.

Commissioner Styron made a motion to appoint Commissioner Spencer as the Voting Delegate for Hyde County at the 2010 NCACC Annual Conference. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None



### **Hyde County Cross Creek Community Advisory Committee**

Chairman Davis stated that the Board had received 4 nominations for the Cross Creek Community Advisory Committee, the nominations were as follows:

1. Linda Flowers
2. Judy Harris
3. Frances House
4. Isabelle Holmes

The Chairman said that if the Board received nominations, then they were pretty well bound to accept them.

Commissioner Collier made a motion to accept the nominations submitted to the Board of Commissioners. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

### **Other Matters:**

#### **Budget Revisions and Transfers**

The Health Department received funding in the amount of \$17,058 for the period of June 1, 2010 through August 9, 2010. These funds will be used to enhance all-hazards strategic planning and direction, coordination and assessment, surveillance and detection capacities, risk communication and health information dissemination, telecommunications capabilities and education and training. Any funds not spent by August 9<sup>th</sup> will revert back to the state. In order to prevent this from happening, the Health Department requested to transfer funds from the salaries and benefits lines (\$6,000) into department supplies (\$1,000) and equipment (\$5,000) lines. The funds will be used to insulate and install a heat/air unit in the PHP&R emergency supplies storage building, and purchase storage cabinets. This transfer will not increase the budget for Bioterrorism.

Commissioner Collier made a motion to authorize the budget transfer requested by the Health Department. Commissioner Davis seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

**Swan Quarter Dike Phase XIII – Project Agreement for Professional Construction Inspection Services**

The Interim County Manager stated that a revision to this agenda item had been submitted to the Board because the County Attorney was in negotiations with NRCS regarding the project agreement and the County Attorney had suggested some amendments that were accepted by NRCS. Mr. Smitherman reported that the previous version of the project agreement had the County party to things that they did not feel the County should be party to.

The County Attorney stated that the changes to the project agreement clarify that by this agreement Hyde County as sponsor is agreeing to provide the inspection services required for the construction of Phase XIII of the Swan Quarter Dike, which is the last and final phase. As initial written, there was some confusion about whether Hyde County was taking responsibility for failings which might occur in the prime contract between NRCS and the contractor. The County Attorney reported that he spent sometime discussing the County's concerns regarding the agreement and that NRCS was open to the changes recommended. The County Attorney stated that the changes were contained in the document presented to the Commissioners and that he felt that the project agreement was okay to sign and recommended approval by the Board.

Chairman Davis made a motion to authorize the issuance of the Project Agreement for Professional Construction Inspection Services for Phase XIII of the Swan Quarter Dike. Commissioner Byrd seconded the motion.

Commissioner Byrd asked the County Attorney about Line 23 of the Project Agreement, which states that the Sponsor will be liable to NRCS for the damages sustained by NRCS as a result of the contractor failing to complete the contract work within the specified contract time; the amount of such damage shall be withheld by NRCS as the damages accrue from monies which may then be due or which may become due and payable to the Sponsor. The County Attorney stated that the paragraph in question was actually one of the paragraphs that was pretty extensively revised, Mr. Hassell further stated that the paragraph refers to the fact that the County is required to provide an inspector and that the project cannot move forward if an inspector is not provided, if the County failed to provide an inspector then NRCS will take the money from the funds that they were going to pay the County for the provision of this service. Commissioner Byrd inquired as to whether the contractor has some type of performance bond. The County Attorney replied that the term contractor refers to the County within this contract.

With no further questions regarding the project agreement, the Chairman called for a vote. The motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None



*Clerk's Note: Please find a copy of the project ordinance attached to the minutes in the minute book located in the Administrative Office located at the Hyde County Government Center.*

### **Swan Quarter Dike Phase XIII – Professional Construction Inspection Services Bid Advertisement**

Debbie Cahoon of the Soil & Water Department informed the Board that there had been a correction to the Bid Advertisement on page 2; the date should have read August 2, 2010 for accepting bids on the bid solicitation. Ms. Cahoon stated that the Interim County Manager asked her to prepare a bid advertisement for the inspection services for Phase XIII of the Swan Quarter Dike. Ms. Cahoon informed the Board that she had taken the scope of services and description of work directly from the project agreement. Since the Board approved the project agreement, Ms. Cahoon asked the Board to consider approving the bid advertisement. On August 2, 2010 at 1:30 PM a public hearing will be held to open the bids and the bids will be presented to the Board at the Commissioners' Meeting that night.

Commissioner Byrd made a motion to accept the bid advertisement. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

*Clerk's Note: Please find a copy of the advertisement attached to the minutes in the minute book located in the Administrative Office located at the Hyde County Government Center.*

### **Drainage District No. 7 – Feasibility Study under Section 205**

Chairman Davis prepared a letter in regards to Fairfield Drainage District No. 7 and he informed the Commissioners that he does legal work for the drainage district. Chairman Davis stated that if any of the members of the Board felt that his affiliation with the district could be a conflict, then he would preclude himself from the discussion and consideration on the matter. Chairman Davis reported that the Army Corps of Engineers had taken a tour of the drainage district and had decided that a feasibility study would be the best course of action to determine what things could be done to help the drainage system function more efficiently. Chairman Davis stated that the Army Corps of Engineers would pay for the first \$100,000 dollars to conduct the feasibility study, but any additional costs would be split fifty-fifty. Understandably the representative with the Army Corps of Engineers did not want to estimate the total cost of the project, but Mr. Davis said that based on his understanding that it would cost somewhere in the neighborhood of \$150,000-\$200,000. The Chairman stated that at this time all projects being conducted under section 205 are on hold until Congress passes a budget, but the Army Corps of Engineers advised him that it would be in the best interest of the County to submit an application to expedite the process once the projects were reopened.

Commissioner Byrd made a motion to authorize submitting a letter and resolution to the Army Corps of Engineers requesting that a feasibility study be conducted under Section 205. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioner Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

*Clerk's Note: Please find a copy of the resolution attached to the minutes in the minute book located in the Administrative Office located at the Hyde County Government Center.*

**Request for Authorization to Submit a Budget Revision for the NC Rural Center STEP Grant**

County Planner & Economic Developer Alice Keeney stated that the request before the Board works in conjunction with both the Swan Quarter Service Group and the Historic Courthouse Committee. Mrs. Keeney report that the county is now in Phase II of the NC STEP Grant for Swan Quarter and that the current Project Ordinance shows the allocation of funds for a \$200,000 STEP Grant as follows:

<b>\$ 20,000</b>	<b>Marketing Plan</b>
<b>\$ 40,000</b>	<b>Nature Trail</b>
<b>\$ 65,000</b>	<b>RV Campground</b>
<b>\$ 25,000</b>	<b>Streetscape</b>
<b><u>\$ 50,000</u></b>	<b>Historic Courthouse</b>
<b>\$200,000</b>	<b>Total Grant Award</b>

The County Planner and Economic Developer asked permission from the Hyde County Board of Commissioners to submit a budget reallocation to the NC Rural Center to allow money remaining in the RV Campground Budget and the Nature Trail Budget to be transferred to the Historic Courthouse Budget in order to make improvements to the outside entrance of the Historic 1854 Courthouse, make the entrance handicapped accessible, build bathrooms for public use on the ground floor of the Historic 1854 Courthouse (public restrooms are not available in the Swan Quarter Town Center), and to make other improvements to insure that the building is tenant ready.

Mrs. Keeney informed the Board that the Swan Quarter Service Group, the Friends of Hyde County's Historic 1854 Courthouse Group, and the Oversight Committee for the Historic 1854 Courthouse that was appointed by the Hyde County Board of Commissioners in January 2009 have all agreed that the next steps with the Courthouse should be as follows:



1. Make the entrance facing the County Administrative Building handicapped accessible. (This is a part of the plan the Service Group has approved and has a low cost).
2. Construct the restrooms. (This is also a part of the plan that the Service Group has approved).
3. Replace HVAC with energy efficient system to heat and cool the Historic Hyde County 1854 Courthouse.

Mrs. Keeney stated that if the three items above are completed, then the first floor of the Hyde County Historic 1854 Courthouse would become accessible and usable, she also added that this would allow events to be held that would showcase the Courthouse to the public and potential tenants.

4. Add the elevator and egress stair. (This is also a part of the plan that the Service Group has approved). This will make the second floor of the building accessible and usable; but, the work can be deferred if necessary until a use and a tenant have been identified to occupy the second floor.

Mrs. Keeney said that in addition to building public restrooms and making the ground floor handicapped accessible, the goal of the Swan Quarter Service Group and the Friends of the Historic Hyde County 1854 Courthouse is to get the building tenant ready so that businesses can lease space and create new jobs for Hyde County citizens.

Commissioner Byrd made a motion to authorize the County Planner and Economic Developer to prepare and submit the budget revision to the NC Rural Center to transfer the balances remaining from the Swan Quarter Dike Trail Project and the Swan Quarter RV Park & Campground Project to the Historic Courthouse Project; and for the Chairman of the Board to be authorized to execute all documents to facilitate the transfer. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays - None

**Request for Authorization to Submit ARRA Energy Grant and to Allow the Chairman of the Board to Execute the Grant Application and Supporting Documents**

County Planner and Economic Developer Alice Keeney informed the Board that the State Energy Program Energy Efficiency in Governmental Buildings (EEGB) Grant Round II solicitation includes as eligible projects the following:

- Lighting retrofits, such as switching T-12 to T-8 or T-5;
- Installation of lighting control technology, including occupancy sensors;
- Retro-commissioning of HVAC equipment and energy management systems;
- Installation of premium efficient motors and/or drives;



- Basic weatherization; and,
- Heating and air conditioning analysis, optimization, repair and replacement (boilers are excluded).

Mrs. Keeney said that it is very important that the new space in Swan Quarter be energy efficient in order to attract business to the downtown area targeted for revitalization and job creation. The County Planner and Economic Developer recommended that the Hyde County Board of Commissioners authorize her to prepare the grant application for Round II of the ARRA Energy for Energy Efficiency in Governmental Buildings to be used toward retrofitting the Historic Hyde County 1854 Courthouse. Mrs. Keeney also stated that there is no match required with the ARRA EEGB Round II Grant.

Commissioner Spencer made a motion to authorize the County Planner and Economic Developer to prepare the grant application for Round II of the ARRA Energy for Energy Efficiency in Governmental Buildings to be used toward retrofitting the Historic Hyde County 1854 Courthouse. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

#### **Animal Control – Continuation of Service**

The Interim County Manager stated at the Board's request he met with Mr. Eakes and as a result of that meeting it was determined that the best route to providing a service would be to respond to dangerous or vicious animals and respond to rabies complaints. The service would operate by way of two agreements, one agreement would secure the shelter for a set fee of \$15,000 annually and the second agreement would be an animal control service agreement. Mr. Smitherman stated that the County would contract with Mr. Eakes on a per call basis and the calls would be routed through the Health Department. Services would be provided during regular business hours (8 AM – 5PM), except under extreme exception. Mr. Eakes would be dispatched by some written means of communication requesting service and then Mr. Eakes would bill the County some set fee for the service that he provided. It was determined that there would be separate fees for Mainland Hyde County and Ocracoke, because of the extraordinary costs associated with servicing the island. Mr. Smitherman informed the Commissioners that a document had been drafted and provided to Mr. Eakes to construct a fee schedule for the services that he would be providing the County. Mr. Smitherman reported that the County had not received a formal response from Mr. Eakes regarding the proposed change in services and Mr. Eakes conveyed at the meeting tonight that he would rather keep the service the same.

Commissioner Styron asked about subsection 4.c. and section 7 of the draft agreement prepared by the Interim County Manager. Ms. Styron stated that one section states that a member of the public can check out a trap and then the proceeding section states that only an appointed animal control officer can check out a trap. Mr. Smitherman replied that if



a member of public is checking out a trap, then Mr. Eakes would have to notified because he would have to make arrangements for the trap to be picked up at the shelter; Mr. Smitherman also stated that traps would be provided for nuisance activity and Mr. Eakes would not be responding to that type of call. Commissioner Styron inquired about people on Ocracoke who may need traps for nuisance activity; she wanted to know if they would have to travel all the way to Swan Quarter to check out the trap. Mr. Smitherman replied that the County would do whatever was most convenient for all parties involved and it may be that traps can be stationed on Ocracoke for checkout; otherwise they could be put on the ferry and picked up.

Chairman Davis stated that discussion regarding the details of the services to be provided may be premature, because if Mr. Eakes does not agree to the terms proposed by the County then other alternatives must be considered to provide services. Chairman Davis further stated that until they received a fee schedule, then there was no need to proceed any further. The Chairman recommended scaling the service back to the absolute minimum required by the State and to charge the Health Department with providing the service. Chairman Davis stated that the County needs a backup plan in place, because the animal control services contract extension will expire on July 31, 2010 and the Board would not meet again until August 2, 2010.

Chairman Davis made a motion to scale back the animal control service to just provide rabies control, that the Hyde County Health Department would be charged with providing this service, and to place \$5,000 in the line item for the provision of this service on an annual basis.

Commissioner Collier asked if the Chairman's motion would be a temporary solution while negotiations proceed with Mr. Eakes. The Chairman replied that it may become permanent if an agreement could not be reached between the County and Mr. Eakes. Commissioner Collier stated that he hoped that the County and Mr. Eakes could work out some arrangement to continue his services.

The Interim County Manager stated that the County does have a standing contract with Beaufort County for shelter services that will be on demand; but he does understand that the Health Director has some concerns about rabies cases that have to be quarantined for an extended period, but Mr. Smitherman stated that could be handled by Beaufort County if they have room available. Mr. Smitherman stated that recently Beaufort County has had a shortage of room available, so the Health Director's concerns are warranted. The Interim County Manager reported that he had spoken with the County Manager of Beaufort County and the shortage of space at the shelter is a short term issue that they are facing. Chairman Davis asked if the County had a shelter contract in place with Mr. Eakes. Mr. Smitherman replied that the County allocated funds for the shelter service, but there was not an agreement in place.

The County Attorney advised the Chairman that a second was required on the motion to scale back the animal control services to only providing rabies control and to charge the Health Department with administering the rabies control service, before any further



discussion took place. Commissioner Collier seconded the motion made by Chairman Davis, but stated that he may vote against the motion.

The Health Director Wesley Smith stated that he would love to see the services provided by Mr. Eakes continue. Mr. Smith told the Board, that trying to budget a set amount for the animal control services is quite difficult because it is hard to determine how many calls will be received and by scaling back the service the County will be faced with a housing issue. If the County does not reach an agreement with Mr. Eakes for the shelter service, then it does fall back to Beaufort County but that could become very costly. The issue is not just the availability of housing for the animals in Beaufort County, but finding someone to transport the animals to the shelter. Mr. Smith stated that the Health Department's concerns would be:

- 1) Who would respond to the reported rabies cases; and
- 2) Where will the animals be transported for housing?

Mr. Smith voiced that the animal control program was cut from \$60,000 to \$15,000 and now it is proposed to cut the budget from \$15,000 to \$5,000, but at some point the Board must arrive at a decision so progress can be made.

Chairman Davis stated that his concern was that if the County had nothing in place to deal with at least the minimum State requirement; then on August 1<sup>st</sup> when the contracts expire, the County will be responsible for responding to rabies cases and there will be nothing in place to deal with the issue. The Chairman stated that he hated to place the burden on the Health Department, but it was a Health Department issue. The Health Director replied that barring an agreement be reached with Mr. Eakes that the Health Department would be in contact with the Interim County Manager and would consider hiring a part-time animal control officer. The County Attorney stated that something not working out with Mr. Eakes describes the present position exactly. The Chairman stated that if the Board did not reach some kind of decision on the matter, then there will be nothing in place when the contracts with Mr. Eakes expire on July 31, 2010 and would not be able to have anything until place until August 2, 2010 at the earliest.

Commissioner Collier suggested that the Board allow Mr. Eakes to make a comment on matter. Mr. Eakes stated that he was concerned about the Beaufort County contract because of the shortage of space available to house animals and he was concerned about have to wait around to be dispatched if he receives a call that someone has been bitten by a rabid animal. Mr. Eakes also stated that he had no problem with the shelter contract, but felt that most people would like to see his services continue.

Commissioner Spencer asked Mr. Eakes if he would be satisfied with the County paying him a set salary and only take the calls that are referred to him by the Health Department. Mr. Eakes stated that he would agree to a set salary of \$1083 per month.

The County Attorney stated that the current discussion was making him uneasy and that he would like to clarify that the Board was having a discussion with Mr. Eakes, but the



Board is not going to enter into any agreement with him until it is put in the form of a motion, duly seconded, and approved by a majority. The Chairman stated that he did not think the Board would make a decision until they had something in writing.

Mr. Eakes said that he would agree to \$1083 per month and that he would like to be reimbursed for mileage when has to retrieve an animal.

Chairman Davis recommended tabling a decision on Mr. Eakes' contract until the Board has had a chance review a written contract. The Chairman also suggested that in period before the next regular meeting that Mr. Eakes sit down with the Interim County Manager to draft an agreement. The Chairman further stated that he was not withdrawing his motion, because the County had to have something in place until an agreement is reached between the County and Mr. Eakes.

The County Manager stated that the County currently contracts with Mr. Eakes for \$12,000 annually for animal control services plus reimbursement for mileage and \$10,000 annually for the shelter. Mr. Smitherman suggested that the County try to reach some kind of set fee for services rather than deal in reimbursements. Commissioner Byrd recommended determining a set amount for Mr. Eakes to be paid per month for mileage and for the County to enter a provision stating that anything over that set amount would not be reimbursed. The Interim County Manager agreed that the proposal by Commissioner Byrd would be fine, but since the County is changing the service then a mileage per month could not be determined until the new services had gone into effect. The County Manager suggested picking the furthest point in the County to calculate the mileage and double it for the trip back, then pick two or three hours for the length of the call and you will arrive at an amount of about \$125 per call and double that fee for the island; Mr. Smitherman stated that this would provide a pretty accurate fee structure. Mr. Smitherman added that Mr. Eakes would not be guaranteed \$22,000 dollars like he was last year, but he is automatically guaranteed \$15,000 plus.

The Board voted on the motion by Chairman Davis to scale back the services to just rabies control, to charge the Health Department with providing the rabies control service, and to place \$5,000 in the line item for the provision of the rabies control service. The motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, and Collier

Nays – Commissioner Styron

#### **Solid Waste Billing – Riverside Campground**

Interim County Manager David Smitherman informed the Board that this item was carried over from the July 7, 2010 called meeting, which was put on the agenda as the result of a public comment made at the June 21, 2010 meeting.

Commissioner Collier asked the owner of Riverside Campground, Chuck Dunbar, to address the Board on this matter. Mr. Dunbar asked the Commissioners to consider



changing the way the campground is billed because his tenants were being billed for trash services that they did not use. Mr. Dunbar stated that the tenants are billed for trash and water by the Utilities Department and when they make a payment that the first \$25 is automatically applied to the trash charges. Commissioner Spencer replied that the reason the first \$25 is applied to the trash charges is because people were cutting their water off to get out of paying for the trash service. Mr. Dunbar said that he did not understand that reasoning because it cost \$150 to have your water cut on. Commissioner Spencer told Mr. Dunbar that there was no fee for having your water cut on at the time. Mr. Dunbar told the Board that his seasonal tenants either carry their trash with them when they leave or use his dumpster that he has provided. Mr. Dunbar inquired as to why the citizens had to pay the County for trash pickup and not the trash service provider. Commissioner Collier stated that he personally did not agree with how it was being billed. Commissioner Byrd stated that if the County did not bill the way they are, then no one would pay their trash bill.

Commissioner Styron asked how many campsites are located in the campground. Mr. Dunbar replied that there are approximately 200 sites and of those 100 are permanent, 100 are temporary, and 75 of the 200 sites are billed for county water.

Mr. Dunbar reported that two years ago he was informed that the campground was a business and had to provide the tenants with a dumpster, now he is being told that his tenants have to pay for trash pickup even though he still has the dumpsters available for the tenants. Mr. Dunbar informed the Board that he is contracted with Pak-R, a trash disposal company based in Beaufort County, and that David's Trash Service would not provide him with a dumpster. The County Attorney asked if Pak-R was franchised to haul trash in Hyde County, because if not then they are in violation of the ordinance. Commissioner Collier wanted to know why David's Trash Service does not supply dumpsters, because he felt that they should. Commissioner Spencer stated that there would never be a fair system for trash pickup. Mr. Dunbar stated that his concern was for his tenants.

No motions were offered on this matter, so the Board moved on to the next agenda item.

#### **Ponzer Community Center – Building Repairs (Commissioner Collier)**

Commissioner Collier reported that the Ponzer Community Center was in dire need of building repairs in the amount of \$1,245.80 and that the Ruritan Club would supply the labor to repair the building. The Ruritan Club is requesting that the County purchase the supplies for the repairs. Commissioner Collier said that the floor needed to be repaired and the supplies requested by the Ruritan Club consisted of plywood and tile. Commissioner Collier added that the County owned the building.

Commissioner Spencer made a motion for the County to purchase the building supplies, in the amount of \$1,245.80, needed for the Ponzer Community Center repairs from the contingency fund. Commissioner Collier seconded the motion, the motion passed by the following vote:



Aye – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

**Public Safety Center – Climate Controlling the Centralized Telecommunications Room (Commissioner Collier)**

Commissioner Collier stated that he had been informed that there was no air conditioning in the centralized telecommunications room at the Hyde County Public Safety Center and that the contract with CenturyLink requires for the room to be climate controlled. Commissioner Collier reported that this matter was temporarily addressed, he informed the Board that he had spoken with Clint Berry the Utilities Director and he was handling the issue.

**Delinquent Property Tax Collections (Commissioner Collier)**

Commissioner Collier inquired about the methods by which delinquent taxes are collected and the status of delinquent property taxes in Hyde County.

Tax Administrator Linda Basnight reported that the Hyde County Tax Office was preparing to send letters to all the property owners whose accounts were in delinquency. Ms. Basnight informed the Commissioners that the last time there was a massive garnishment effort the County, there was not a warning letter distributed and felt that this should have been done. Ms. Basnight added that she felt the Chairman of the Board should sign these letters because it may be more effective and that she had provide a copy of the letter to be signed by the Chairman. Ms. Basnight further stated that the Tax Office had received lists of employees from the major employers in the County so the Tax Office could determine the employees to be garnished.

Commissioner Collier wanted to know the total dollar amount of delinquent taxes in Hyde County, which would include real estate and personal property taxes. The Tax Administrator reported that the handout she gave the Commissioners reported the total taxes collected, but she was unsure on the total delinquent taxes.

Commissioner Styron inquired as to what the Tax Office collected last year in delinquent taxes, Ms. Basnight replied that the Tax Office collected \$68,816 in delinquent taxes.

Commissioner Styron asked for the Tax Administrator to determine the total of all outstanding delinquent taxes and for her to provide that figure to the Board.

Commissioner Spencer made a motion to authorize the Chairman of the Board to sign the letter to be sent to all the delinquent taxpayers. Commissioner Collier seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None



The Chairman asked the Tax Administrator to notify the Board of the other methods by which delinquent taxes are being collected. The Tax Administrator stated that in December the County will enroll the Tax Office in the debt setoff program and that there was a blocking process in place for all delinquent motor vehicles. Ms Basnight stated that the collection rate on delinquent motor vehicle taxes had increased some. Ms. Basnight also reported that foreclosures would start soon and the County Attorney told the Board that he had a list.

#### **Cross Creek Nursing Home Concerns (Commissioner Collier)**

Commissioner Collier reported that he had received numerous complaints about Cross Creek, specifically regarding the operation of the facility. Chairman Davis asked Commissioner Collier why he believed the County had any jurisdiction over the operations of the nursing outside of the Health Department monitoring the sanitation of the facility. Commissioner Collier replied that the thought the Board had jurisdiction because the operation of the facility affects citizens of Hyde County.

Commissioner Styron asked if the State regulated the operations of the nursing home. Chairman Davis replied that it was his understanding that it was regulated by the Hyde County Health Department on health issues and by the State of North Carolina, with some federal oversight. Commissioner Collier invited public comment on the matter and the County Attorney halted any discussion on the matter because the nursing home is a private business and outside the regulatory authority that the Health Department has; it is not the place of the Board of Commissioners to provide a forum or discuss how that private enterprise should be run. The County Attorney advised the Board not to discuss the matter any further.

#### **Aurora Phosphate Plant Flood Control Concerns (Commissioner Collier)**

Commissioner Collier requested for an independent engineer to assess the drainage system in the Water Landing area because PCS Phosphate has altered the drainage system to convert the farmland in that area to wetlands and the residents are concerned that the alterations will cause the access road to that subdivision to flood. Commissioner Collier also stated that the farmers were concerned that their farmland will flood. Chairman Davis asked for Mac Gibbs and Brandon Marshall to address the concerns voiced by Commissioner Collier. Brandon Marshall stated that he was aware that the ditches in the fields were blocked and graded over; he said that if there was a concern then the Soil and Water Department could investigate the matter. Commissioner Collier said that his main concern was elevation and wondered if the drainage ditches along the access road could flood and prevent ingress or egress from the subdivision. Mac Gibbs informed the Board that normal when roads are constructed in Hyde County, that they are constructed with a dike but the access road to Waterway Landing was not. Mr. Gibbs reported that PCS Phosphate had constructed a rock jetty and due to concerns by the farmers an elevation had been done on that rock jetty. Mr. further stated that it was found that the rock jetty was actually too high and was allowing the water to drain



properly. PCS Phosphate was instructed to lower the jetty, but Mr. Gibbs was unsure if that had been completed. Brandon Marshall told the Board that he could go out and take all the elevations that Commissioner Collier wanted. Chairman Davis asked Brandon Marshall of the Soil and Water Department to meet Commissioner Collier at the site so he could further explain his concerns. Brandon Marshall stated that if there were drainage issues in the area, he would be more than happy to meet Commissioner Collier and have them addressed.

### **Review of EMS Operations (Commissioner Collier)**

Commissioner Collier stated that he was not bringing this issue before the Board to advocate getting rid of EMS, but the EMS Program started out with a budget of \$700,000 and now the budget has swelled to \$1.5 million. Commissioner Collier added that the EMS Director requested an additional \$364,000 in June to fund the program until the end of the fiscal year. Commissioner Collier said that he felt that there were some problems with the program that needed to be looked into, because he had been informed that Pitt County had ten stations and their budget was \$3 million; Commissioner Collier stated that this concerned him because Hyde County only has two. Commissioner Collier recommended tabling this issue until the Board or a commission appointed by the Board could investigate the matter and provide solutions to the problem. Chairman Davis replied to Commissioner Collier recommendation, stating that it would be better for some committee to sit down and investigate the matter.

Chairman Davis recommended that an EMS Review Committee be formed and that Commissioners Collier and Byrd and Interim County Manager David Smitherman be appointed to that committee.

The Board of Commissioners authorized the formation of the EMS Review Committee.

### **Old Engelhard Medical Center – Proposed Property Acquisition (Commissioner Spencer)**

Commissioner Spencer stated that she wanted to bring it to the Board's attention that the old Engelhard Medical Center was vacant and that it was located right beside the Engelhard Fire Department and that she sees the possibility for a third EMS station. Commissioner Spencer asked for permission to look into the possibility of the County acquiring said property. Chairman Davis asked who owns the land; Commissioner Spencer replied that the fire department owned the property and that the medical center leases the property for \$100 per month from the fire department. The Board authorized Commissioner Spencer to investigate the matter.

### **ABC Store Lease Agreement**

The County Attorney stated that at the last meeting the Board voted to lease the ABC Store back to the ABC Board for a rental of \$250.00 per month and that he was instructed to prepare a lease for a period of one year, which provided for rent to be payable by the



ABC Board to the County in that amount. The County Attorney reported that the document in the amended agenda packet is that lease and is for a term of one year that began on July 1, 2010 and calls for \$250.00 per month.

The Interim County Manager stated that the County was planning to pay for the insurance on the building, but the cost of that insurance had not been determined and was not in the lease agreement. Mr. Smitherman added that the property would be insured like all of the other County properties and that the provision needed to be amended in the lease agreement.

Commissioner Collier asked if the lease agreement would terminate in 12 months; the County Attorney replied that the agreement did not provide for any renewal, but if the two boards wanted to continue the agreement then they could do so. Commissioner Styron said that the one year term allows for the County to negotiate the terms of the agreement after it expired.

Chairman Davis made a motion to execute the lease agreement with the Hyde County ABC Board for the ABC Store, with an amendment to paragraph seven stating that the County will provide insurance by adding the building to the County's insurance policy. Commissioner Spencer seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, and Styron

Nays – Commissioners Byrd and Collier

#### **Engineering Amendment – Swamp Road Water Main**

The Interim County Manager reported that at the last meeting the Utilities Director requested that the Board authorize the Utilities Department to acquire a permit to a waterline extension for Swamp Road in Engelhard; upon submitting the request to the USDA, the USDA required that an engineering quote be submitted for the entire project. Mr. Smitherman informed the Board that Mr. Berry approached Rivers & Associates Engineering about completing the engineering quote for the USDA and he has provide a new quote in the amount of \$30,020.00 and the USDA has to approve this amount prior to the County entering any agreement. Mr. Smitherman stated that since this is a change in scope, he felt that it was necessary for the Board to authorize this change before proceeding. Mr. Smitherman also informed the Board that this would not increase the indebtedness of the County.

Commissioner Spencer made a motion to approve the engineering amendment for the Swamp Road water main submitted by the Utilities Department. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None



### **Ocracoke Road Closure – Winnie Blount Road (Commissioner Styron)**

Commissioner Styron stated that the last time the Board discussed this matter that the Board was considering abandoning a portion of this public right-of-way due to trash and debris being piled in the roadway. Commissioner Styron informed the Board that Mr. Frank Brown was requesting that the roadway be abandoned from the start of his property to the end of the right-of-way.

Commissioner Collier asked if all parties involved agree to the terms of the abandonment; Commissioner Styron replied that all parties were in agreement and that all parties were in attendance. Commissioner Styron stated that the parties involved are Frank Brown, Janet Anthony, and Elizabeth White.

Janet Anthony commented that this issue had been going on for ten years and that abandoning the portion of the roadway will not fix the debris in the roadway. Chairman Davis asked Ms. Anthony if she was opposed to the County abandoning the said portion of the roadway; Ms. Anthony replied that she was opposed.

Chairman Davis recommended that the parties involved have the portion to be abandoned surveyed to satisfy all parties involved. Ms. Anthony replied that she would have to see it in writing and that she would have to let her lawyer review the documents to make sure that she was not going to be affected by the abandonment. The County Attorney stated that the County was making a decision whether to abandon a portion of the right-of-way and that the County would not be providing legal advice on the effects of that action to the parties involved.

Commissioner Spencer made a motion to table the matter until the August 2, 2010 Commissioner's Meeting. Commissioner Styron seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron

Nays – None

### **Reports:**

#### **County Commissioners' Reports**

**Commissioner Styron** – Commissioner Styron reported that the 4<sup>th</sup> of July events on Ocracoke were great and very successful.

**Commissioner Byrd** – Nothing to report.

**Commissioner Spencer** – Nothing to report.

**Commissioner Collier** – Nothing to report.

**Commissioner Davis** – Nothing to report.

**County Manager's Report**

- Interim County Manager David Smitherman wanted to remind the Board that the NCACC was of no cost for registration this year and that if the Commissioners wanted him to handle their registrations that they would have to let him know by July 26, 2010.
- Mr. Smitherman reported that the County was lacking approximately \$1 million to \$1.5 million short from having all the funds to begin work on the Mattamuskeet Sewer Project. Mr. Smitherman said he was extremely optimistic that the County would receive all the funds necessary, but on that course the County has had to put any improvements to the treatment plant and the extension of the sewer force main that would extend to Mattamuskeet School, on hold. Mr. Smitherman also stated that the overall goal of the project had changed because of the hold on the improvements to the treatment plant; they were no longer focused on hooking up as many people as they could along the sewer force main, but instead focusing on getting just the lodge hooked up. Mr. Smitherman reported that he spoke with Mr. Gordon Myers of the Wildlife Resources Commission and had received his commitment to assist the County in acquiring the funds to fill the gap in funding for the project and the Interim Manager also reported that he would meet with Senator Basnight's Office on Wednesday July 21, 2010 to discuss the possibility of them providing assistance to the County on this project. Mr. Smitherman told the Board that the County had until September 1, 2010 to provide reasonable assurance that the County would be able to acquire the remaining funding.
- Mr. Smitherman discussed the retirement insurance for the Albemarle/Tideland Mental Health retirees, he stated the NCACC has established a plan for the counties to deal with this issue and Martin County has agreed to administer the plan. Mr. Smitherman reported that there may be an intergovernmental agreement to be placed before the Board sometime next month.
- The Clerk of Superior Court has organized a Workplace Harassment and Crime Prevention Workshop for the public and it will be available to the County employees to attend.

With no further matters to be discussed the Chairman of the Board asked for a motion to adjourn.

Chairman Davis made a motion to adjourn the meeting. Commissioner Byrd seconded the motion, the motion passed by the following vote:

Ayes – Commissioners Davis, Spencer, Byrd, Collier, and Styron  
Nays – None

The July 19, 2010 Hyde County Board of Commissioners' Meeting adjourned at 10 PM.



Respectfully submitted:

Minutes approved on the 2<sup>nd</sup> day of August, 2010.

  
Justin L. Gibbs, Deputy Clerk – Hyde County Board of Commissioners



  
Tom Davis, Chairman – Hyde County Board of Commissioners

Attachments:

- A – Ordinance Amending Ordinance No. 2009-09-01 Pertaining to the Use of Golf Carts in Hyde County*
- B – Resolution to Support Continuation of Funding for Child and Family Support Team (CFST) for Hyde County Schools*
- C – Swan Quarter Dike Phase XIII – Project Agreement for Professional Construction Inspection Services*
- D – Swan Quarter Dike Phase XIII – Professional Construction Inspection Services Bid Advertisement*
- E – Resolution to the Army Corps of Engineers requesting that a Feasibility Study be Conducted under Section 205*

